

REMARKS

This is in response to the Communication mailed December 17, 2008 stating that the Response to Restriction Requirement filed September 15, 2008 was not fully responsive. In that Response, Applicants elected the invention of Group I, Claims 1-17, drawn to a method for detecting and counting the microorganisms in a sample, and amended claim 1. The above listing of claims reflects the amendment submitted but corrects the designation of claim 7 to be "original" rather than "withdrawn". In the Communication of December 17, 2008, the Examiner requested that applicants elect a species. Applicants traverse the election of species requirement but herewith elect fatty acid as the substrate part for searching purposes.

CONCLUSION

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that an extension of time is necessary to prevent abandonment of this application, then such extension of time is hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number 029440.00009.

Respectfully submitted,

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